




THE LAW OF ARMED CONFLICT

Definition Of The Law Of Armed Conflict

- ◆ International law that regulates the conduct of armed hostilities.
- ◆ Was Law of War
- ◆ Now Law of Armed Conflict (LOAC).



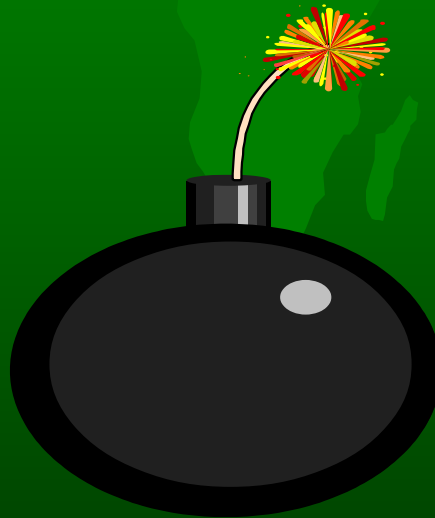
**Destructive capabilities
have greatly increased
and objectives have
changed thus changing
the rules of warfare**

Sources Of LOAC

- ◆ Customary International Law
- ◆ Treaties
- ◆ Conventions
- ◆ International Agreements

Purpose of LOAC

- ◆ **Diminish the evils of war**





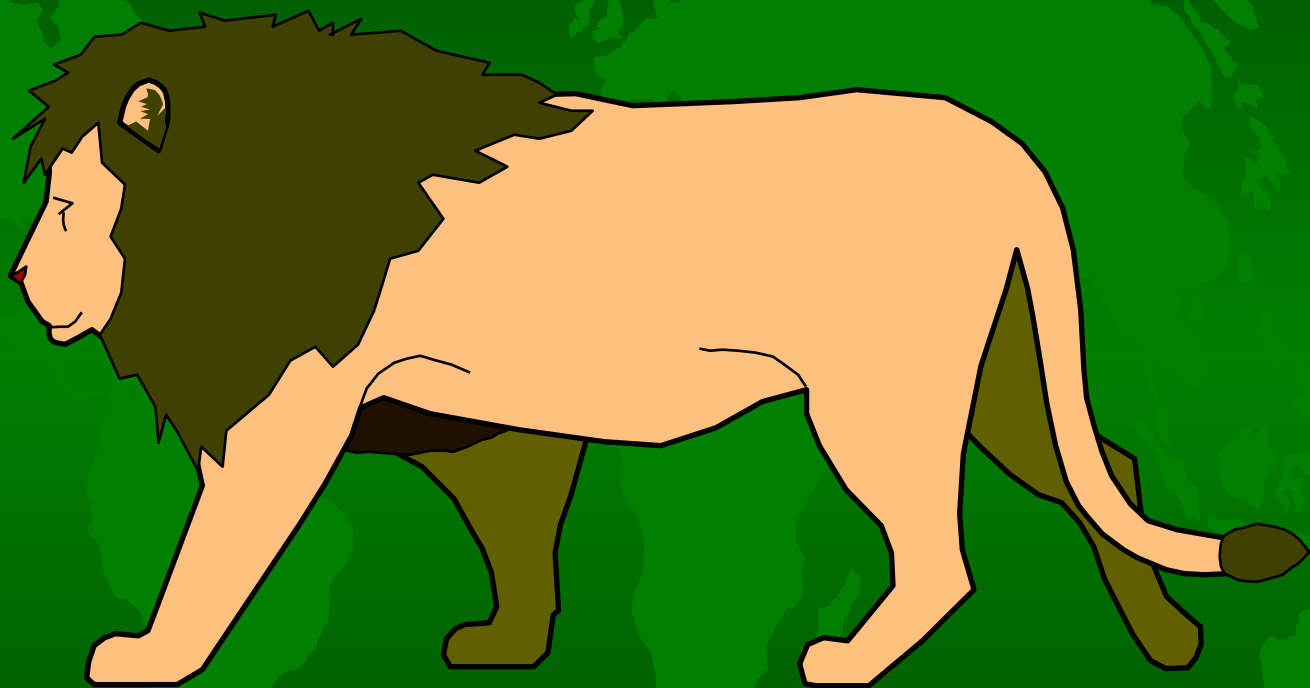
Rules of Engagement

LOAC should not be confused
with ROE, but the ROE must
comply with LOAC

Romans

- ◆ Gold
- ◆ Land
- ◆ Slaves
- ◆ Food







War of 1812

Village elders negotiate
safety of the civilian
population



Sherman's March to the Sea

Burn everything in sight!

Modern Era

- ◆ Red Cross established 1859 - International Organization 1919
- ◆ Geneva Conventions 1864, 1906, 1923, 1925, 1929, 1949, etc
- ◆ Hague Convention 1899, 1907, 1923

Principles of LOAC

- ◆ **Military Necessity**
- ◆ **Proportionality**
- ◆ **Humanity**



The Players

Classes Of People On The Battlefield

- ◆ **Combatants**
- ◆ **Non-combatants**
- ◆ **Unlawful Combatants**

WHAT'S THE DIFFERENCE?

TREATMENT!!

- ♦ **COMBATANTS:**
 - **TARGETS/POW**
- ♦ **NON-COMBATANTS:**
 - **NOT TARGETS/INTERNEES**
- ♦ **UNLAWFUL COMBATANTS:**
 - **CRIMINALS**

Combatants



Non-combatants

- ◆ Civilians
- ◆ Medical Personnel
- ◆ Chaplains
- ◆ *Wounded*
- ◆ *POWs*
- ◆ *Shipwrecked*

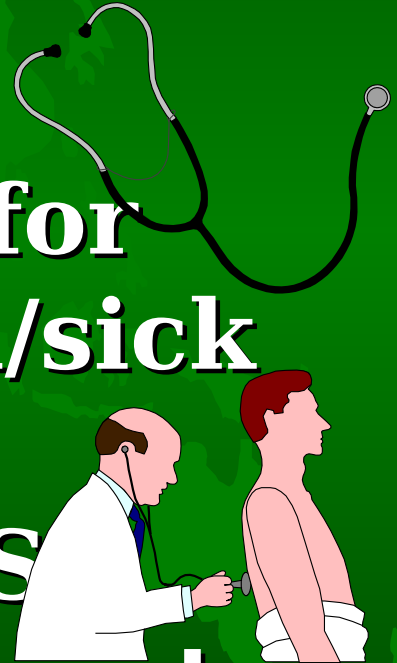
Special Status Of Medical Personnel

-May NOT be ATTACKED

***May possess small arms for PROTECTION of wounded/sick and against marauders**

-Should display RED CROSS

***FAILURE TO WEAR does not cause loss of protected status, per se**



Treatment Of Medical And Chaplain Detainees

- ◆ Allow To Perform Duties
- ◆ Not POWs
- ◆ Repatriated

Combat

- ♦ May take opposing “forces” medical treatment equipment
- ♦ Civilian equipment must be returned - compensated

Non - Combatants

- ♦ Medical Personnel - G 1 Art. 24 - Medical personnel exclusively engaged in the search for, collection, transport, treatment of wounded.....
- ♦ NOT - hospital orderlies, stretcher-bearers, nurses, (Art 25) and Vets (Art 22-4) .



Result

Cook is protected - Public
Health officer may not be

Other Issues

- ♦ G 1 - Art. 28 - retained personnel - may only be kept as long as needed to treat own nationals
- ♦ G 3 - Art. 32 - physicians, surgeons, dentists, nurses, orderlies not attached to med service can be compelled to exercise med function even though they are POWs

Caring for the Wounded

- ◆ G 1 - Art 12 Wounded and sick - treat according to condition
- ◆ “shall not wilfully be left without medical assistance and care..”
- ◆ Art 15 - after engagement must search for and collect the dead and wounded

Medical Treatment Actual Combat

- ◆ Triage and treat all
- ◆ Can give priority to own forces to return quickly to line (walking wounded)
- ◆ Civilians included

Canteens (G -3 Art 28)

- ◆ Must pay prisoners for work - 8 CHF - 75 CHF per month (Art 60)
- ◆ Must make available food, soap and tobacco at local market prices.....



Medical transport

Used “exclusively” for
wounded and sick are
protected

Unlawful Combatants

- ◆ **Terrorists**

- ◆ **Criminals**

G 3 - 4 Combatants must....

- ♦ Be in an organization which carries its arms openly.....
- ♦ conducts operations in accordance with laws and customs of war....

Unlawful Combatants



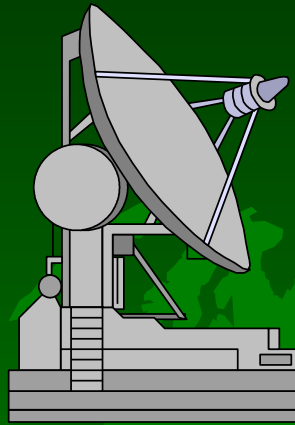
TET Offensive 1968

Trials

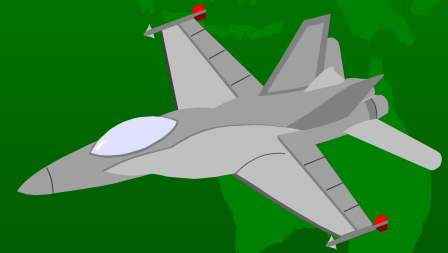
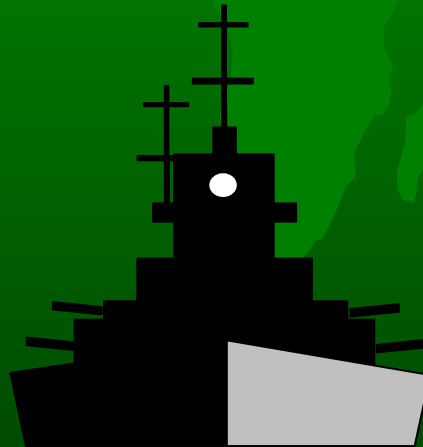
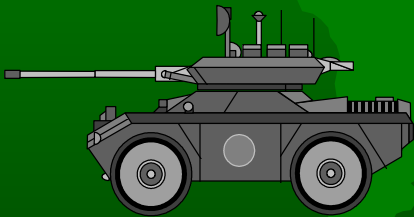
- ◆ Detrimination of whether an unlawful Combatant made by tribunal (AP 1 Art 45)
- ◆ Art 84 - “only by a military court...”
- ◆ Art. 100 - death penalty

Medical Treatment Peacekeeping

- ◆ May restrict treatment to own forces
- ◆ Look to peacekeeping “mandate” for guidance



Targeting



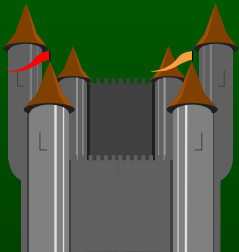
Law Of Targeting

Principles

- ◆ **Right Of Belligerents To Adopt Means Of Injuring The Enemy Is Not Unlimited**
- ◆ **Cannot Attack Civilians**
- ◆ **Must Distinguish Between Combatants And Non-combatants**

Law Of Targeting *Bombardment*

- ◆ **PROHIBITED:**
- ◆ Wanton or deliberate destruction of civilian habitation
- ◆ Terrorizing
- ◆ Deliberate bombardment of medical, religious, and art buildings, or other area with protected status



Law Of Targeting

BOMBARDMENT (Cont.)

- ◆ **Dams, dikes, levees and other installations should not be targeted if coll. Damage is too great**
- ◆ **Commanders should make every possible effort to warn the civilian population (psy op), if possible**

Law Of Targeting

Protected Signs And Symbols

- ◆ **Medical (Red Cross or Crescent)**
- ◆ **Religious**
- ◆ **Hospital Markings and Civilian Safety Zones**
- ◆ **Cultural Symbols**
- ◆ **White Flag**

Law Of Targeting

Protected Signs And Symbols

- ♦ **Misuse Of Symbol: Can Waive Protected Status**

Collateral Damage

- ◆ **Not Unlawful**
- ◆ **To Be Minimized**
- ◆ **Joint Responsibility**

Treatment Of POWs

- ♦ Humane Treatment
- ♦ No Public Insult
- ♦ Interrogate - Not Torture
- ♦ NJP Discipline
- ♦ Equal Medical Access
- ♦ **Enlisted:** May Be Forced To Work
Officers: Not Required



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ENFORCEMENT

LOAC and *YOU*

- ◆ **Duty To Prevent And Report**
- ◆ **A Personal/human Obligation**
- ◆ **Lawful Order?**
 - **Must Know The Law**
 - **Must Be Reasonable Reliance**
 - **Never Target Non-combatants**